

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
April 6, 2016

CONSENT AGENDA

1. Title: Falcon View II
Case #: **Z2015086**
Supervisor District: 4
Applicant & Owner: Burch & Cracchiolo, P.A. / Everest Falcon View II, LLC
Request: Zone Change from Rural-43 to R1-10 RUPD
Site Location: Generally located 605' south of Glendale Ave. and 660' west of 125th Ave. in the Glendale area.
Site Size: Approximately 9.87 ac.
Commission
Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **Z2015086** subject to conditions 'a' – 'f':
 - a. Development of the site shall comply with the Zoning Exhibit entitled "Falcon View II Site Plan, Z2015086," consisting of 2 full-size sheets, dated February 16, 2016 and stamped received February 18, 2016 except as modified by the following conditions.
 - b. Development of the site shall be in conformance with the Narrative Report entitled "Falcon View II", consisting of 11 pages, dated February 16, 2016, and stamped received February 18, 2016 except as modified by the following conditions.
 - c. The following R1-10 RUPD standard shall apply:
 1. Height : 30' / 2 Stories
 2. Front Yard Setback: 10'
 3. Rear Yard Setback: 15'
 4. Side Yard: 7'
 5. Street-side Yard: 10'
 6. Lot Area: 12,146 sq. ft.
 7. Minimum Lot Width: 90' (55' for Lots 6 & 10)
 8. Average Lot Area per Dwelling Unit: 19,542 sq. ft.
 9. Maximum Lot Coverage: 45%
 10. Parking Spaces: 2 Spaces
 11. Maximum Accessory Dwelling Unit Size: 1,008 square feet
 12. Accessory Dwelling Units subject to RUPD setback restrictions for principal building envelopes
 - d. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
 - e. The following Planning and Engineering Comments shall apply:

1. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
 2. Any application for development must demonstrate that historic drainage inflow and outflow characteristics will be maintained.
 3. Any application for site development must include a grading and drainage plan prepared by a licensed civil engineer in accordance with Planning & Development Forms 705 & 712B (Final Plat & Building Permit Phase).
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, a hearing shall be scheduled with the Board of Supervisors for consideration to revert the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

2. Title: Under Pressure Plumbing
Case #: **CPA2015002**
Supervisor District: 1
Applicant & Owner: Pew & Lake, PLC / Poulsen Family Trust
Request: Comprehensive Plan Amendment (CPA) to the Queen Creek Area Plan to change the land use designation from Suburban Residential to Industrial. Per State Statute, CPA2015002 approval is by Resolution.

Site Location: Generally located on the NWC of Power Rd. and Sunnydale Dr.
Site Size: Approximately 1.21 acres
Commission
Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **CPA2015002** subject to conditions 'a' – 'c':

- a. Development of the site shall be in conformance with the Narrative Report entitled "A Comprehensive Plan Amendment Application for Under Pressure Plumbing", consisting of eight (8) pages including the land use exhibit, dated stamped received September 18, 2015, except as modified by the following conditions.

- b. The land use designation of Industrial approved as part of CPA2015002 shall be subject to the time limits set forth in the subsequent Special Use Permit, and shall change to the previous Suburban Residential land use designation upon Special Use Permit expiration.
- c. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that such change due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change.

3. Title: Under Pressure Plumbing
Case #: **Z2015029**
Supervisor District: 1
Applicant & Owner: Pew & Lake, PLC / Poulsen Family Trust
Request: Special Use Permit (SUP) for an interim industrial use in the R-4 zoning district
Site Location: Generally located on the NWC of Power Rd. and Sunnydale Dr.
Site Size: Approximately 1.21 acres
Commission
Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **Z2015029** subject to conditions 'a' – 'k':

- a. Development of the site shall be in conformance with the Site Plan entitled, "Under Pressure Plumbing", consisting of one (1) full-size sheet, stamped received January 15, 2016 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "A Special Use Permit Application For Under Pressure Plumbing", consisting of six (6) pages stamped received January 15, 2016, except as modified by the following conditions.
- c. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors, inactivity of the use for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The applicant/owner shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.

- e. The applicant shall apply for building permits for all existing structures. The owner shall receive final inspections on all existing structures from Planning and Development within one year from Board of Supervisors approval of Z2015029.
- f. The following MCDOT condition shall apply:
 - 1. The applicant shall provide a total half-width right-of-way of 40 feet for Power Road. All such dedications shall be in fee and free of all liens and encumbrances. Prior to acceptance of such dedication, the applicant shall provide the County an owner's title insurance policy issued to the County, the MCDOT environmental checklist and any other requirements as set forth in the "MCDOT Right-of-Way Dedications Reference Guide." Until Maricopa County has accepted said dedication, all responsibilities, including but not limited to maintenance and repair for the property to be dedicated shall be that of the applicant. Right-of-Way dedication shall occur prior to zoning clearance.
- g. The following MCESD condition shall apply:
 - 1. Contact the MCESD Onsite Program to submit an application to re-permit the septic system for change from residential to commercial.
- h. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- i. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- j. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to

such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

4. Title: MasterPiece Church-Daycare
Case #: **Z2014091**
Supervisor District: 5
Applicant & Owner: Hunt Architects, Inc. / MasterPiece Church
Request: Special Use Permit (SUP) for a day care operation in the R-3 zoning district
Site Location: Generally located 720' west of the southwest corner of 35th Ave. and Dobbins Rd. in the Laveen area.
Site Size: Approximately 2 acres
Commission
Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **Z2014091** subject to conditions 'a' – 'k':

- a. Development of the site shall be in conformance with the Site Plan entitled "MasterPiece Church-Daycare", consisting of one (1) full-size sheet, stamped received January 7, 2016 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "MasterPiece Church-Day Care Special Use Permit", consisting of five (5) pages (including sign exhibit), stamped received January 7, 2016, except as modified by the following conditions.
- c. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, inactivity of the use for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The applicant/owner shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
- e. Prior to occupying the existing residence or any portion thereof for any use associated with the Special Use Permit, the applicant shall obtain a Building Permit to retrofit the existing residence to meet current commercial building code requirements as applicable and shall obtain a Certificate of Occupancy for the retrofitted building prior to occupancy.
- f. The following MCDOT condition shall apply:
 1. The applicant shall provide a total half-width right-of-way of 55 feet for Dobbins Road. All such dedications shall be in fee and free of all liens and encumbrances. Prior to acceptance of such dedication, the April 6, 2016 Board of Supervisors' Meeting – P&Z Agenda

applicant shall provide the County an owner's title insurance policy issued to the County, the MCDOT environmental checklist and any other requirements as set forth in the "MCDOT Right-of-Way Dedications Reference Guide." Until Maricopa County has accepted said dedication, all responsibilities, including but not limited to maintenance and repair for the property to be dedicated shall be that of the applicant. Right-of-Way dedication shall occur prior to zoning clearance.

- g. The following MCESD conditions shall apply:
 - 1. Contact the Drinking Water Program for permitting requirements for the public water system.
 - 2. Contact the Onsite Program for permitting requirements for the change of use and change of required capacity for the septic system.
 - 3. The proposed project is located within the unincorporated urbanized area regulated by the Maricopa County Stormwater Quality Program and may need a stormwater approval and permit.
- h. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- i. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- j. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special

Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

5. Title: Verizon Cottonwood Estates
Case #: **Z2015076**
Supervisor District: 4
Applicant & Owner: Shaw & Associates PLC / Rancho Trigos Trust (Ronald Wheat)
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) – 50' (h) monopalm in the Rural-43 zoning district
Site Location: Generally located at the northeast corner of Bethany Home Rd. and 183rd Ave. in the Waddell area.
Site Size: Approximately 1,027 sq. ft. of a 40 ac. parcel.
Commission
Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **Z2015076** subject to conditions 'a' – 'l':

- a. Development of the site shall be in conformance with the Site Plan entitled "PHO Cottonwood Estates", consisting of seven (7) full-size sheets, stamped received December 29, 2015, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Verizon Wireless PHO – Cottonwood Wireless Communication Facility", consisting of nine (9) pages, stamped received December 29, 2015, except as modified by the following conditions.
- c. The maximum height of the Wireless Communication Facility shall be limited to 50' (h) including attachments, other than the palm fronds.
- d. The antenna array diameter shall be limited to 15'-6'' across. All future appurtenances shall protrude no further from the center of the tower than this initial antenna array, and shall maintain integrity of concealment elements.
- e. The wireless communication tower shall retain the stealth properties as originally designed. Any damaged or missing fronds or branches shall be replaced within 60 days of such damage occurring.
- f. Future carriers may co-locate on the Wireless Communication Facility if co-location does not increase overall tower height, increase protrusion of appurtenances, or adversely impact concealment elements. Any change to these elements will require an amendment to the Special Use Permit.
- g. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, inactivity of the use for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- h. The following MCDOT condition shall apply:
 1. Bethany Home Rd. is County right-of-way and actively maintained roadway. Any improvements in the MCDOT Right-of-Way (ROW) must be

shown on the plans, subject to MCDOT standards. A ROW permit will be required for any work in the MCDOT ROW. A MCDOT Application and Certificate of Liability Insurance will need to be submitted as well. This permit will be administered through Planning and Development together with the building permit.

- i. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- k. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- l. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

6. Title: PHO Seville
Case #: **Z2015083**
Supervisor District: 1
Applicant & Owner: Wavelength Management on behalf of Verizon Wireless / Treeland Limited Partnership
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) - 60' (h) monopalm in the Rural-43 zoning district
Site Location: Generally located at the northwest corner of Chandler Heights Rd. and 180th St. in the Queen Creek/Gilbert area.
Site Size: Approximately 924 sq. ft. of a 74.63 acre site
Commission

Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **Z2015083** subject to conditions 'a' – 'l':

- a. Development of the site shall comply with the Zoning Exhibit entitled "Verizon PHO Seville", consisting of six (6) full-size sheets, stamped received February 26, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Verizon PHO Seville", consisting of five (5) pages, stamped received February 26, 2016, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. A building permit and drainage clearance shall be obtained conforming to current Planning and Development requirements.
 2. The subject property is not within a delineated 100 year (one percent chance) floodplain. The proposed use would not be in conflict with any existing or proposed Flood Control District projects. No objections are raised with respect to floodplain management.
 3. Chandler Heights Road is County right-of-way and actively maintained roadway. Any improvements in the MCDOT Right-of-Way (ROW) must be shown on the plans, subject to MCDOT standards. A ROW permit will be required for any work in the MCDOT ROW. A MCDOT Application and Certificate of Liability Insurance will need to be submitted as well. This permit will be administered through Planning & Development together with the building permit.
- d. The maximum height of the Wireless Communication Facility shall be limited to 60' (h) including attachments, except for palm fronds/concealment elements.
- e. The antenna array diameter shall be limited to 16' across. All future appurtenances shall protrude no further from the center of the tower than this initial antenna array, and shall maintain integrity of concealment elements.
- f. The wireless communication tower shall retain the stealth properties as originally designed. Any damaged or missing fronds or branches shall be replaced within 60 days of such damage occurring.
- g. Future carriers may co-locate on the Wireless Communication Facility if co-location does not increase overall tower height, increase protrusion of appurtenances, or adversely impact concealment elements. Any change to these elements will require an amendment to the Special Use Permit.
- h. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, inactivity of the use for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

- i. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- k. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- l. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

7. Title: Nomad Self Storage
Case #: **Z2015094**
Supervisor District: 2
Applicant & Owner: Jarvie Property Acquisitions Inc. / Christopher Borchard
Request: Zone Change from R-5 and C-3 to C-3 CUPD for mini-storage facility
Site Location: Generally located approximately 210' southwest of the southwest corner of Apache Trl. and Mountain Rd. in the Mesa area.
Site Size: Approximately 3 acres
Commission
Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **Z2015094** subject to conditions 'a' – 'i':

- a. Development of the site shall comply with the Zoning Exhibit entitled "Site Plan for the Rezone of Nomad Self Storage", consisting of 1 full-size sheet, dated revised January 26, 2016, and stamped received January 26, 2016 except as modified by the following conditions.

- b. Development of the site shall be in conformance with the Narrative Report entitled "Narrative Report Prepared for Nomad Self Storage", consisting of 7 pages, dated revised January 26, 2016, and stamped received January 26, 2016 except as modified by the following conditions.
- c. The following C-3 CUPD standards shall apply:
 - 1. Height: 40' / 3 stories
 - 2. Front Yard: 0'
 - 3. Side Yard: 5'
 - 4. Street-Side Yard: 10'
 - 5. Rear Yard: 10'
 - 6. Lot Area: 6,000 sq. ft.
 - 7. Lot Width: 85'
 - 8. Lot Coverage: 60%
 - 9. Parking: 2 Standard Parking Spaces and 1 ADA Parking Space
- d. The owner shall apply for building permits for all existing structures and the free-standing monument sign. The owner shall receive final inspections on all existing structures from Planning and Development within one year from Board of Supervisors approval of Z2015094.
- e. The following Planning Engineering condition shall apply:
 - 1. Permits (as-builts) must be obtained for each structure on the property. County records indicate that permits applied for in 2000 have all expired without being finalized. As part of the above permit process, the applicant must demonstrate that the retention basin in the southern part of the site contains the required retention volume (22,807 ft.); and that it drains within 36 hours.
- f. The property owner shall submit a 'will serve' letter from Rural Metro Fire Department for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of construction permit submittal.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- h. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with these conditions.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that

either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

8. Title: NWC of Germann Rd. & Lindsay Rd.
Case #: **Z2015096**
Supervisor District: 1
Applicant & Owner: Shaine Alleman, Tiffany & Bosco, P.A. / Texture Masters Inc. and Heather Litton
Request: Zone Change from Rural-43 to C-3 CUPD
Site Location: Generally located at the northwest corner of Germann Rd. and Lindsay Rd. in the Gilbert area.
Site Size: Approximately 7.24 acres
Commission
Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **Z2015096** subject to conditions 'a' – 'l':

- a. Development of the site shall comply with the exhibit entitled "Conceptual Commercial/Self Storage Facility", consisting of 1 full-size sheet, dated January 26, 2016 and stamped received February 22, 2016 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "NWC of Lindsay Road & Germann Road", consisting of 11 pages, dated February 4, 2015, and stamped received February 4, 2016 except as modified by the following conditions.
- c. The applicant/property owner shall submit a 'will serve' letter from Gilbert Fire Department for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. Noncompliance with any Maricopa County Regulation or condition of approval shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- e. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, a hearing shall be scheduled with the Board of Supervisors for consideration to revert the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation

due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- f. The following Engineering comments shall apply:
 - 1. The site is partially within a regulated Special Flood Hazard Areas (Zone AH). Prior to any development on the site, a Floodplain Use Permit must be obtained.
 - 2. Any development in Zone AH must meet the requirements specified in the Floodplain Regulations for Maricopa County. An Elevation Certificate will be required for each building in the floodplain. Any volume displacement in the floodplain area shall be equally compensated within the same ponding floodplain area. Any effective lateral conveyance in the floodplain must be preserved.
 - 3. Any application for development must demonstrate that historic drainage inflow and outflow flows and characteristics will be maintained.
 - 4. Lindsay Road and Germann Road are within the jurisdictional limits of the Town of Gilbert. The applicant must coordinate any right-of-way dedications and offsite road improvements with the Town of Gilbert.
- g. A Commercial Unit Plan of Development (CUPD) shall be applied to this site. The CUPD shall vary development standards with regard to parking standards for the indoor storage facilities. Development of the site shall otherwise adhere to the development standards of the base zoning district.
- h. The following C-3 CUPD regulations shall apply to the mini-storage facilities:
 - 1. A minimum of 5 parking spaces plus 2 ADA parking spaces for Building A;
 - 2. A minimum of 9 parking spaces for building B;
 - 3. A minimum of 9 parking spaces for the Phase II mini-storage building; and,
 - 4. If applicable, a minimum of 2 parking spaces for each onsite caretaker dwelling unit.
- i. The CUPD overlay shall also restrict the use of the site. Until such time as the site is served by sewer or effective annexation by the Town of Gilbert, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems.
- j. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. It is required, the owner/developer to prepare a Stormwater Pollution Prevention Plan and obtain approval by Maricopa County Environmental Services Department (MCESD) prior to construction. (A separate submittal to MCESD would be

required.) It is required, upon completion of construction, the owner to fulfill MCESD requirements and obtain a post-construction stormwater permit.

- k. If applicable, the site plan shall contain a note designating the entity responsible for operation and maintenance of the on-lot stormwater management facilities consistent with an approved operation and maintenance plan.
- l. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the initial construction permit or construction permit for each phase must be obtained. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2015096 which details the status of this project, including progress on obtaining construction permits. The status report to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors Board upon recommendation by the Planning and Zoning Commission for consideration of amendments or revocation of zoning for the parcel.

9. Title: Villas at Vista Verde and a portion of Tract A
Case #: **S2015018**
Supervisor District: 2
Applicant/Owner: Hilgart Wilson / Tegavah Construction LP
Request: Replat consisting of 1 tract in the R1-10 RUPD zoning district.
Site Location: North of Rio Verde Dr., south of Dixileta Rd. between 172nd St. and 176th St. in the Rio Verde area.
Site Size: Approximately 7.82 acres

10. Title: Thunder Mountain Estates Lot 45
Case #: **S2015015**
Supervisor District: 2
Applicant/Owner: Anderson-Nelso, Inc. / Phoenix Bell Associates, LLP
Request: Replat consisting of 1 lot (lot 45) in the R1-35 RUPD zoning district.
Site Location: Near the northeast corner of McDowell Rd. and Thunder Mountain Dr. within the Thunder Mountain Estates subdivision in the Mesa area
Site Size: Approximately 36,000 sq. ft.

REGULAR AGENDA

11. Title: Power & San Tan RV Storage Yard
Case #: **CPA2015006**
Supervisor District: 1
Applicant & Owner: Hook Engineering, Inc. / Hoots Family Investments, LP
Request: Comprehensive Plan Amendment (CPA) to change the Queen Creek Area Plan land use designation from Suburban Residential to Commercial Retail Center. CPA case approval is by Resolution.
Site Location: Generally located 330' north of San Tan Blvd. and 180' east of Power Rd. in the Queen Creek area.

Site Size: Approximately 3 acres

Commission

Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **CPA2015006** subject to conditions 'a' – 'c':

- a. Development of the site shall be in conformance with the Narrative Report entitled "Power & San Tan RV Storage Yard, Queen Creek AZ, Comprehensive Plan Amendment Narrative Report CPA2015006" including all exhibits dated December 8, 2015 and stamped received December 22, 2015, except as modified by the following conditions.
- b. The land use designation of Commercial Retail Center approved as part of CPA2015006 shall be subject to the time limits set forth in the subsequent Special Use Permit, and shall change to the previous Suburban Residential land use designation upon Special Use Permit expiration.
- c. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that such change due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change.

12. Title: Power & San Tan RV Storage Yard

Case #: **Z2015054**

Supervisor District: 1

Applicant & Owner: Hook Engineering, Inc. / Hoots Family Investments, LP

Request: Special Use Permit (SUP) for commercial storage of vehicles in the R1-35 zoning district

Site Location: Generally located 330' north of San Tan Blvd. and 180' east of Power Rd. in the Queen Creek area.

Site Size: Approximately 3 acres

Commission

Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **Z2015054** subject to conditions 'a' – 'h':

- a. Development of the site shall be in general conformance with the Site Plan entitled "Site Plan with Conceptual Grading & Drainage, Power & San Tan RV Storage Yard, Queen Creek AZ 85142" consisting of 2 full-size sheets, dated December 9, 2015, and stamped received December 22, 2015, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Power & San Tan RV Storage Yard, Queen Creek AZ, Special Use Permit

Narrative Report Z2015054" consisting of 24 pages including all exhibits dated December 17, 2015 and stamped received December 22, 2015, except as modified by the following conditions.

- c. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. Signage shall conform with Section 1403 of Maricopa County Zoning Ordinance for Commercial Zoning Districts within the C-1 zoning district.
- e. The following Planning Engineering conditions shall apply:
 - 1. Power Rd is County right-of-way and an actively-maintained roadway. Work within the right-of-way is subject to the MCDOT standards and permit.
- f. The following MCESD conditions shall apply:
 - 1. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. It is required, the owner/developer to prepare a SWPPP and obtain approval by MCESD prior to construction. (A separate submittal to MCESD would be required.) It is required, upon completion of construction, the owner to fulfill MCESD requirements and obtain a post-construction stormwater permit.
 - 2. If applicable, the site plan shall contain a note designating the entity responsible for operation and maintenance of the on-lot stormwater management facilities consistent with an approved operation and maintenance plan.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that such change due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change.